



Attorney's Docket No. 5800-2B

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*#9/dec.*

In re: Glucksmann, et al.

App. No.: 09/464,685

Group Art Unit: 1635

Filed: 12/16/99

Examiner: A. Wang

For: 2871 RECEPTOR, A NOVEL G-PROTEIN COUPLED RECEPTOR

November 27, 2000

**DECLARATION UNDER 37 C.F.R. §1.802**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

The undersigned, Robert E. McCarthy, declares and states,

1. That he has full and express authority to represent Millennium Pharmaceuticals, Incorporated, Assignee of Application No.09/464,685, by assignment recorded in the United States Patent and Trademark Office on April 17, 2000, at Reel 010761 and Frame 0680.
2. That he has read and understands the above-captioned U.S. Patent Application Number 09/464,685, filed 12/16/99, for "2871 RECEPTOR, A NOVEL G-PROTEIN COUPLED RECEPTOR".
3. That the Assignee hereby provides assurance of the permanent availability of the following organisms deposited at The American Type Culture Collection, 10801 University Drive, Manassas, VA 20110-2209, USA:

| <u>Strain</u>                       | <u>ATCC Accession No.</u> | <u>Date of Deposit</u> |
|-------------------------------------|---------------------------|------------------------|
| E. Coli w/plasmid insert Ep<br>2871 | <u>PTA-2369</u>           | <u>August 11, 2000</u> |

4. That the Assignee hereby provides assurance that the material deposited in paragraph 3, above, is, in each instance, the same biological material specifically identified in the above-

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captioned patent application, as filed.

5. That the Assignee hereby provides assurance that it will:
- a. During the pendency of the patent application, allow access to the deposited organism listed in paragraph 3, above, to those persons properly designated by the Commissioner of Patents and Trademarks;
  - b. Replace the deposited organism should it die or be destroyed:
    - (1) During the enforceable life of any patent issued out of the above-identified patent application,
    - (2) For five years after the last request for a sample of the deposited organism \_\_\_\_\_, or
    - (3) For thirty years;
  - c. Upon issuance of a patent, irrevocably remove all restrictions of access to the organism for the duration of the deposit; and
  - d. Pay the maintenance charges for the duration of the deposit.
6. That all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true; and further acknowledges that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

For: Millennium Pharmaceuticals, Incorporated

By: Robert E. McCarthy  
Robert E. McCarthy

Date: November 27, 2000

Register No. 46,044